

**IN THE DISTRICT COURT FOR THE UNITED STATES OF AMERICA
WESTERN DISTRICT OF TENNESSEE AT MEMPHIS**

ISSACCA POWELL, individually and as
representatives of a class of all similarly
situated individuals,

Plaintiffs,

v.

BILL OLDHAM, Sheriff of Shelby County,
individually and in his official capacity,

Defendant.

Civil Action No. 2:16-cv-2907

Jury Trial Requested

CORTEZ D. BROWN, DEONTAE TATE,
and JEREMY S. MELTON on behalf of
themselves and all similarly situated persons,

Plaintiffs,

v.

BILL OLDHAM, in his individual capacity
and in his official capacity as the Sheriff of
Shelby County, Tennessee; ROBERT
MOORE, in his individual capacity and in
his official capacity as the Jail Director of
the Shelby County, Tennessee; CHARLENE
McGHEE, in her individual capacity and in
her official capacity as the of Assistant Chief
Jail Security of Shelby County, Tennessee;
DEBRA HAMMONS, in her individual
capacity and in her official capacity as the
Assistant Chief of Jail Programs of Shelby
County, Tennessee; SHELBY COUNTY,
TENNESSEE, a Tennessee municipality;
and TYLER TECHNOLOGIES, INC., a
foreign corporation,

Defendants.

Civil Action No. 2:17-cv-02015

Jury Trial Requested

**CONSENT MOTION OF PARTIES REGARDING DEFENDANTS OLDHAM, MOORE,
McGHEE, HAMMONS AND SHELBY COUNTY, TENNESSEE'S MOTION (AND
MEMORANDUM) TO CONSOLIDATE AND REQUEST FOR EXPEDITED
SCHEDULING CONFERENCE**

Counsel for the parties in Powell (Civil Action No. 2:16-cv-2907) and Counsel for parties in the Brown case (Civil Action No. 2:17-cv-02015) attended the Powell Scheduling Conference on February 22, 2017 in this Court. The Court entered a Scheduling Order (Doc. No. 37) following the Scheduling Conference which applied to the Powell matter. After the Scheduling Conference, counsel for all parties approached Judge Fowlkes regarding possibly transferring the Brown case to this Court and possibly consolidating these cases. Judge Fowlkes entered an Order Transferring Case in Brown (Doc. No. 32) to this Court for possible consolidation.

On February 28, 2017, Defendants Bill Oldham, Robert Moore, Charline McGhee, Debra Hammons, in their individual and official capacities, and Shelby County, Tennessee (collectively, “Shelby County”) filed a Motion (and Memorandum) to Consolidate and Request for Expedited Scheduling Conference. (Doc. No. 34; the Motion). In the Motion, Shelby County requests the Court (1) consolidate the Lawsuits; (2) set a scheduling conference for all parties to the Lawsuits at the Court’s earliest availability; (3) order that the plaintiffs file a consolidated complaint to which Defendants may file a consolidated responsive pleading; and (4) issue any other orders to avoid unnecessary cost or delay in this matter pursuant to Rule 42 of the Federal Rules of Civil Procedure.

Counsel with authority for all parties in Powell and Brown participated in a telephone conference call on Tuesday, March 7, 2017. Counsel consent to the following actions pending the Court's approval:

1. The Motion is moot;
2. No response from any Defendant in either case will be due March 8, 2017;
3. The Powell (Civil Action No. 2:16-cv-2907) and Brown (Civil Action No. 2:17-cv-02015) cases will be consolidated in this Court pending the Court's approval;
4. The Court will enter an Order consolidating the cases for all purposes;
5. Plaintiffs will file one consolidated complaint by Friday, March 24, 2017;
6. All Defendants named in the consolidated complaint will file a response pursuant to the Federal Rules of Civil Procedure;
7. Plaintiffs may file an amended consolidated complaint, without leave of Court, within 21 days of the Defendants' response; and
8. The parties adopt or abide by the Scheduling Order previously entered in Powell with these modifications.

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that this Court enter an Order stating: (1) The Motion is moot; (2) No response from any Defendant in either case will be due March 8, 2017; (3) the Powell (Civil Action No. 2:16-cv-2907) and Brown (Civil Action No. 2:17-cv-02015) cases are to be consolidated in this Court; (4) the cases are to be consolidated for all purposes; (5) Plaintiffs shall file one consolidated complaint by Friday, March 24, 2017; (6) Each Defendant named in the consolidated complaint shall file a response pursuant to the Federal Rules of Civil Procedure; (7) Plaintiffs may file an amended consolidated complaint, without leave of Court, within 21 days of the Defendants' response; and

(8) The parties adopt or abide by the Scheduling Order previously entered in Powell with these modifications.

Respectfully submitted,

s/ Odell Horton, Jr.

Robert E. Craddock, Jr. (#5826)

Robert L. Crawford (#7216)

Odell Horton (#12426)

WYATT, TARRANT & COMBS, LLP

1715 Aaron Brenner Drive, Suite 800

Memphis, TN 38120-4367

901-537-1000

rcraddock@wyattfirm.com

lcrawford@wyattfirm.com

ohorton@wyattfirm.com

COUNSEL FOR DEFENDANTS

Sheriff Oldham, Moore, McGhee, Hammons
and Shelby County, Tennessee

CERTIFICATE OF CONSULTATION

On March 7 and 9, 2017, I, Odell Horton, Jr., along with Robert L. Crawford, consulted by telephone conference call with Mike McLaren, Brice Timmons and Frank Watson (Watson March 9, 2017 only), counsel with authority to represent all Plaintiffs in both cases, and Brad Trammell, counsel for Defendant Tyler Technologies, Inc., concerning the matters set forth in the Consent Motion (and Memorandum) for Consolidation. Counsel for all parties agree to the Consent Motion and proposed Order.

s/ Odell Horton, Jr.

CERTIFICATE OF SERVICE

The foregoing document was filed via the Court's CM/ECF system, automatically effecting service on counsel of record for all other parties to this action, on this 10th day of March, 2017.

s/ Odell Horton, Jr. _____